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base to position the tool vertically with respect to the work piece; and

a spacer on the base which engages the edge of a tongue and groove flooring strip, below the tongue, to position the tool mount laterally of the tongue and groove strip on the subfloor.

12.(Twice Amended) The tool mount of claim 10 with a tool secured to the tool carrier, the tool having a safety actuator with an end engageable with the upper surface of the tongue of a strip of tongue and groove flooring.

18.(Amended) The tool mount of claim 10, the base of the tool mount resting on the subfloor, the tool mount having a handle for an operator to move the tool mount and tool across the subfloor, along the length of the strip of tongue and groove flooring in which said handle is a wand extending upwardly from the tool mount and away from the strip of tongue and groove flooring, to be pushed by an operator to move the tool mount.

Cancel claims 2, 9, 17, 20 and 21.

REMARKS

Claim 1 is at issue.

Allowed claims 3 and 10 have been rewritten in independent form. Allowed claim 6 is amended to remove the unnecessary limitation that the fastener which joins the center and side

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plates be threaded. See allowed claim 4 which is not so limited.

Claims 12 and 18 have been amended to depend from allowed claim 10.

Claims 2, 9, 17, 20 and 21 have been canceled.

The drawings are being inked and will be filed shortly.

Claim 1 is amended to incorporate dependent claim 2 and to define the combination of a tool and tool mount in which a tool carrier receives and supports the tool and is adjustable vertically on the tool mount base to position the tool vertically with respect to a work piece. A spacer on the tool mount base engages the work piece and positions the tool laterally with respect to the work piece.

It is submitted that claim 1 is not anticipated by Gehl et al 3,360,176. Claim 1 distinguishes from Gehl in that the claimed tool is supported by the carrier which is adjustable vertically on the base of the tool mount. This cooperation of parts is not found in Gehl.

The amendment of claim 1 following the Final action of April 15, 2003 is proper under 37 CFR 116(c) as the examiner first explained in the Final action that he considered the yoke 27 and the unnumbered screws which secure the yoke to flange 28 to be a tool carrier having a surface for receiving the tool and adjustable vertically on the tool mount base. This interpretation of the Gehl structure is not apparent from the Gehl disclosure or the action of November 19, 2002. Entry of the amendments and allowance of claim 1 are requested.

Claims 18 and 19 now dependent directly or indirectly from allowed claim 10, further define a handle for an operator to move the tool mount and tool across the subfloor, along the length

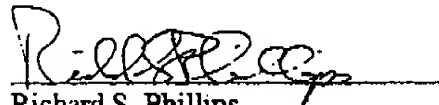
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of the strip of tongue and groove flooring, the handle being a wand extending upwardly from the tool mount and away from the strip of tongue and groove flooring, to be pushed by an operator to move the tool mount. Even accepting the examiner's argument that the sidewall 23 and bottom wall 24 of curtain 22 in Gehl et al. constitute a handle for the operator to move the tool mount and tool, these walls are not a wand extending upwardly from the tool mount and away from the strip of tongue and groove flooring. Certainly they do not extend both upwardly at an angle of 45 degrees and away from the tongue and groove strip at an angle of the order of 45 degrees as specified in claim 19.

The pertinence of the newly cited prior art to applicant's tool mount is not understood. None shows a tool mount base with a tool supported on a carrier which is adjustable vertically on the base with respect to a work piece and with a spacer to engage the work piece and position the tool laterally with respect to the work piece.

Reconsideration and allowance of the application are requested.

Respectfully submitted,



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Marked up version of the claims

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CLAIMS

WE CLAIM:

- (Amended) and tool said

1. A tool mount for positioning a tool vertically and laterally with respect to a work piece, comprising:

tool mount a tool;
a base; and supporting said

a tool carrier having a surface for receiving a tool and adjustable vertically on said base to position the tool vertically with respect to the work piece; and

a spacer on the base to position the tool laterally with respect to the work piece.
2. The tool mount of claim 1 wherein the spacer engages the work piece.
3. The tool mount of claim 1 wherein the base comprises a center plate supported by a pair of side plates and the tool carrier slides on the center plate with a vertical component of movement.
4. The tool mount of claim 3 in which the center plate and side plates are joined by a fastener and the tool carrier is clamped in position on the center plate by the side plates.

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CLAIMS

WE CLAIM:

- 3 (Rev. 4/01)
1. A tool mount for positioning a tool vertically and laterally with respect to a work piece, comprising:
- a base;
 - a tool carrier having a surface for receiving a tool and adjustable vertically on said base to position the tool vertically with respect to the work piece; and
 - a spacer on the base to position the tool laterally with respect to the work piece.
2. The tool mount of claim 1 wherein the spacer engages the work piece.
3. ~~The tool mount of claim 1 wherein the base comprises a center plate supported by a pair of side plates and the tool carrier slides on the center plate with a vertical component of movement.~~
4. The tool mount of claim 3 in which the center plate and side plates are joined by a fastener and the tool carrier is clamped in position on the center plate by the side plates.

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5. The tool mount of claim 3 wherein the tool carrier has a lateral component of movement and the spacer is adjustable laterally on the base.

(Amended)
6. The tool mount of claim 5 in which the center plate and side plates are joined by a threaded fastener and the tool carrier and spacer are clamped in position on the center plate by the side plates.

7. The tool mount of claim 3 in which said tool carrier and center plate have mating sliding surfaces at an angle of the order of 20 degrees to horizontal.

8. The tool mount of claim 5 in which said spacer slides laterally on said center plate.

~~9. The tool mount of claim 1 for positioning a tool~~ (A) to cl. 10
[to drive fasteners through tongue and groove flooring strips into a subfloor]

~~10. The tool mount of claim 9 in which said spacer engages the edge of~~ (B) to cl. 10
[a tongue and groove flooring strip, below the tongue, to position the tool mount laterally of the tongue and groove strip on the subfloor.]

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CLAIMS

WE CLAIM.

- 10 (Re-written) A(129)
1. A tool mount for positioning a tool vertically and laterally ^{with} respect to a work piece ^{piece.} comprising:
- a base;
 - a tool carrier having a surface for receiving a tool and adjustable vertically on said base to position the tool vertically with respect to the work piece; and
 - a spacer on the base ^{B(1210)} to position the tool laterally with respect to the work piece.
2. The tool mount of claim 1 wherein the spacer engages the work piece.
3. The tool mount of claim 1 wherein the base comprises a center plate supported by a pair of side plates and the tool carrier slides on the center plate with a vertical component of movement.
4. The tool mount of claim 3 in which the center plate and side plates are joined by a fastener and the tool carrier is clamped in position on the center plate by the side plates.

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Twice 12. (Amended) The tool mount of claim ¹⁰ ~~8~~ ^{with} in which a tool secured to the tool carrier, *the tool having*
~~has~~ a safety actuator with an end engageable with the upper surface of the tongue of
 a strip of tongue and groove flooring.

REMARKS

This application is concerned with a tool mount which positions a tool vertically and laterally with respect to a work piece. The mount has a base, a tool carrier having a surface for receiving a tool and adjustable vertically on the base to position the tool vertically with respect to the work piece and a spacer on the base to position the tool laterally with respect to the work piece. The tool mount is particularly suited for a fastener driver used in installing tongue and groove flooring. Fasteners for such flooring are typically driven into the edge of a strip of flooring, above the tongue, at a 45 degree angle and into the subfloor or supporting joist. Tongue and groove flooring is available in a range of thicknesses and with tongues of different thicknesses and widths. Different adapters have been required to mount a tool for each style of tongue and groove flooring. The tool mount disclosed and claimed herein is adjustable to accommodate the geometry of the tongue and groove flooring strips being installed.

Independent claim 1 calls for a base, a tool carrier having a surface for receiving a tool and adjustable vertically on the base to position the tool vertically with respect to the work piece and a spacer on the base to position the tool laterally with respect to the work piece. Claims 2-19 depend directly or indirectly from claim 1.

Claims 1-9, 11, 12, 15 and 17-21 are at issue. Dependent claims 10, 13, 14 and 16 have been indicated to be allowable; and claims 7 and 11 have been indicated to be allowable subject

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11. The tool mount of claim 7 in which a tool on the tool carrier has an operative axis extending at 45 degrees to the horizontal. //

12. The tool mount of claim 9 in which a tool secured to the tool carrier, has a safety actuator with an end engageable with the upper surface of the tongue of a strip of tongue and groove flooring.

13. The tool mount of claim 8 with guides between the center plate and the tool carrier and spacer, respectively. //

14. The tool mount of claim 13 in which each guide comprises a dovetail rib and a mating slot on adjacent sliding surfaces. //

15. The tool mount of claim 8 with means limiting movement of the tool carrier part and spacer part, respectively, with respect to said base. //

16. The tool mount of claim 15 in which the movement limiting means comprises a pin on one part received in a mating slot on the other part. //

17. The tool mount of claim 1 for a tool which fastens tongue and groove flooring to a subfloor, ^{E - tool} the base of the tool mount resting on the subfloor with the spacer

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engaging the face of a strip of tongue and groove flooring and the tool mounted on said tool carrier to drive fasteners through the face of the tongue and groove strip and into the subfloor, ^{D to cl 12} the tool mount having a handle for an operator to move the tool mount and tool across the subfloor, along the length of the strip of tongue and groove flooring.

(Amended) 10 C (cl 17), D (cl. 17)
18. ^{an} The tool mount of claim 1 in which said handle is a wand extending upwardly from the tool mount and away from the strip of tongue and groove flooring, to be pushed by ^{an} the operator to move the tool mount.

19. The tool mount of claim 18 in which said wand extends upwardly at an angle of the order of 45 degrees and away from the tongue and groove strip at an angle of the order of 45 degrees.

20. The tool mount of claim 1 in which said tool carrier comprises a vertical ball and screw on said base. X

21. The tool mount of claim 1 in which said tool carrier comprises a scissors jack on said base. X